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CONNECTICUT LEGAL RIGHTS PROJECT

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Testimony of Sally R. Zanger, Staff Attorney
Planning and Development Committee Public Hearing
March 10, 2010

Connecticut Legal Rights Project (CLRP) **OPPOSES** HB 5255 Secs. 2 and 3 and Governor's Bill No. 5031 Secs. 3 and 4 and urges the Committee not to support this proposed amendment of General Statutes' Section 47a-42.

CLRP is a legal services organization that advocates for low-income individuals in institutions and in the community who have, or are perceived to have, psychiatric disabilities. We promote initiatives that integrate clients into the community. An important part of our work is protecting people's housing, which includes representation in summary process.

CLRP opposes this bill for the following reasons:

- The bill would shift the responsibility for securing and storing the property of evicted tenants (who have not moved out on their own) from the municipality to the state marshals, giving the marshal complete control over the tenant's personal property. Marshals are independent contractors who have very little oversight. Some are better than others. They do not have their own storage facilities and the storage charges would quickly become prohibitive. Tenants would lose all of their possessions.
- While the number of evictions that result in a marshal's execution is not high, the tenants who are affected tend to be the most vulnerable: people who were hospitalized during the eviction action, tenants who do not understand or did not receive notice of the execution.
- Tenants may lose all of their possessions: valuables, essential, family heirlooms, important papers and sentimental keepsakes like photo albums. The family crisis is increased by the need to replace essential household goods. Loss of documents can delay or prevent obtaining benefits and new housing. Loss of family heirlooms and photo albums increases trauma.
- **The involvement of the town as a neutral party is necessary.** An eviction that results in an execution with a tenant's property taken and stored by a marshal needs a neutral party to protect and control the tenant's personal property. The involvement of the town has been an appropriate municipal responsibility in Connecticut for over a hundred years and should continue.

- The proposed bill does not protect the tenant from a marshal who charges exorbitant storage and redemption fees, or who demands other fees. It does require that the marshal auction the goods and return any excess after payment of storage fees to the tenant—but the requirement would be very hard to enforce.
- Because the marshal, who, unlike most towns, has no personal storage space would have to purchase storage space, it will become impossible to work out any compromises with the (now) homeless tenant, which frequently can and occur with a municipality.
- **The damage and disruption that this change would cause to those tenants in Connecticut who are least able to protect themselves and assert their rights is not worth any small savings it might bring to some municipalities.**

I had a client who suffered a great deal at the hands of a marshal in the course of one of these evictions. Because (contrary to the statutory requirement to attempt to give the tenant 24 hours notice) the marshal came on a Sunday morning and surprised the family, they had no time to pack any essentials. The marshal handed the mom a green garbage bag and told her to pack their things. She had one hour to cope with the crisis, figure out what to grab and to take her son, who had a disability, herself and his emotional support dog out of the apartment. They barely got their medication out of the house with a few clothes in the garbage bag. Her furniture, which was being purchased on time from Rent a Center, and all of her dishes and kitchen ware and appliances were thrown into the back of a pickup truck and thrown into the municipal storage. Most of it was badly damaged. **The saving grace was that the municipality did store her goods for a reasonable fee while she found alternate housing,** and permitted her to access it, to assess the damage and to retrieve necessary papers.

It is a very tough time for everyone when an eviction results in the physical ejection of a tenant from an apartment, or of a homeowner from a foreclosed home. Changing the current system will only exacerbate the problems. As my father in law says, "If it ain't broke, don't fix it."